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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,390	04/11/2001	C. Richard Triola	CRT044UT	3769

7590 07/26/2004

EUGENE H VALET  
314 10TH AVENUE SOUTH  
EDMONDS, WA 98020

EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/833,390	<b>Applicant(s)</b> TRIOLA, C. RICHARD	
	<b>Examiner</b> Firmin Backer	<b>Art Unit</b> 3621	<i>MW</i>

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 5) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 6) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment***

This is in response to an amendment file on May 14<sup>th</sup> 2004. In the amendment, claims 4, 11-15, 17-21 have been amended, claims 1-3 has been canceled, and no claim has been added.

Claims 4-21 remain pending in the letter.

***Response to Arguments***

Applicant's arguments with respect to claims 4-21 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 4-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Gaff (U.S. PG Pub No. 2002/0046144)

3. As per claims 4, Gaff teaches a web based-server computer system for escrow office related processes of real estate title transfer comprising: at least one client module associated

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with at least one client party for initiating an escrow process with at least one escrow-holder party, and at least one server module associate with the escrow-holder party, wherein a specific escrow account between the client party and the escrow party is established, maintained, tracked, and consummated via the client-server computer system (*see fig 1, paragraphs 0854-0861, 0866, 1162, 1205, 1219, 1260, 1280*).

4. As per claims 5, Gaff teaches a system comprising on-line entry and transmission of escrow initiation, escrow instructions, escrow status tracking, and escrow consummation between the server party and the client party (*see fig 1, paragraphs 0854-0861, 0866, 1162, 1205, 1219, 1260, 1280*).

5. As per claims 6, Gaff teaches a system wherein at least one server module associated with the escrow party further comprising: on-line entry and transmission of service provider data between the server party and at least one service provider (*see fig 1, paragraphs 0854-0861, 0866, 1162, 1205, 1219, 1260, 1280*).

6. As per claims 7-10 Gaff teaches a system comprising computer code providing data security and digital identity authentication for each party, digital tracking transfer of funds or buyer-seller compensation arrangement and disbursement of the funds or other buyer-seller compensation at or after final closing of the escrow process (*see fig 1, paragraphs 0854-0861, 0866, 1162, 1205, 1219, 1260, 1280*).

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7. As per claims 11 and 17, Gaff teaches a computerized, on-line method for real estate escrow processes performed by an escrow company holding an escrow account comprising a computer based automation system of components for implementing, management and tracking of the escrow real estate transfer wherein data and document for implementing managing and tracking the escrow processes of a real estate transfer are accessible online for specific parties to the escrow account (*see fig 1, paragraphs 0854-0861, 0866, 1162, 1205, 1219, 1260, 1280*).
8. As per claims 12, Gaff teaches a computerized, on-line method of distributing the components as computer code modules residing at principals and parties to the escrow account for providing party-associated data entry and access (*see fig 1, paragraphs 0854-0861, 0866, 1162, 1205, 1219, 1260, 1280*).
9. As per claims 13, Gaff teaches a computerized, on-line method including security measures providing for a variety of stat and access levels to the escrow data and documents (*see fig 1, paragraphs 0854-0861, 0866, 1162, 1205, 1219, 1260, 1280*).
10. As per claims 14, Gaff teaches a process for a computerized escrow transaction comprising: providing escrow account data and electronic document, escrow status, broker status, lender status, buyer status, seller status, and vendor status via a centralized server associated with an escrow officer; and connecting parties to the computerized online estate escrow transaction using multiple computer network access devices via connectivity types which

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include but are not limited to wireless, satellite, dial-up, or leased communications (*see fig 1, paragraphs 0854-0861, 0866, 1162, 1205, 1219, 1260, 1280*).

11. As per claims 15, Gaff teaches a system for real-time or near-real-time escrow transactions processes and procedures and documentation, comprising online internet communication programs and associated with the internet communication programs: an appropriate data, electronic documents application, and transactional management network programs and including supporting network based applications for performing at least one of the escrow services selected from a group including receiving and storing escrow instructions upon submission by a party to the escrow transaction via a computerized communications device, disseminating instructions to all relevant parties by computer; providing escrow documentation, providing escrow documentation approvals; automating order specified services real-time and near-real-time display of escrow instructions, status, and activity, on-line digital identification authentication; transfer of ownership, closing escrow, releasing of escrow funds; and digital transfer of escrow funds (*see fig 1, paragraphs 0854-0861, 0866, 1162, 1205, 1219, 1260, 1280*)).

12. As per claims 16, Gaff teaches a method of doing business using an internet comprising: providing an on-line escrow account for parties to a transaction; providing on-line transactional account management services with respect to the on-line escrow account for the parties; and providing secure access to the on-line escrow account limited to the parties and third parties

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using on-line identification authentication (*see fig 1, paragraphs 0854-0861, 0866, 1162, 1205, 1219, 1260, 1280*).

13. As per claims 18, Gaff teaches a memory wherein the program code allowing escrow transaction data access only for specific parties to the escrow transaction further comprises: program code for identification authentication (*see fig 1, paragraphs 0854-0861, 0866, 1162, 1205, 1219, 1260, 1280*).

14. As per claims 19, Gaff teaches a memory wherein the program code providing implementation, management, tracking, and closing of specific escrow transactions further comprises: program code for digital signatures (*see fig 1, paragraphs 0854-0861, 0866, 1162, 1205, 1219, 1260, 1280*).

15. As per claims 20, Gaff teaches a memory comprising: program code for a method of doing business using an internet, the code including computerized processes for providing an on-line escrow account for parties to a transaction, providing on-line transactional account management services with respect to the on-line escrow account for the parties, and providing secure access to the on-line escrow account limited to the parties and third parties using on-line identification authentication (*see fig 1, paragraphs 0854-0861, 0866, 1162, 1205, 1219, 1260, 1280*).

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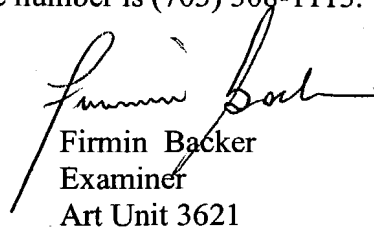
16. As per claims 21, Gaff teaches A computer based automation system for escrow processes and documentation using Internet computing technology, the system comprising, means for implementing, managing, and tracking real estate transfer and real estate financing processes by and among principal parties and their agents with respect to an escrow company account requiring the processes and documentation; and means for providing data and documents associated with the implementing, managing, and tracking such that the data and documents are accessible to the principal parties thereto and their agents and officers of the escrow company account via internet. (see fig 1, paragraphs 0854-0861, 0866, 1162, 1205, 1219, 1260, 1280).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Firmin Backer  
Examiner  
Art Unit 3621

January 23, 2004